

- matter which applicant regards as the invention. (Numbered paragraphs 1 and 2 of the Office Action).
2. Claims 3 and 4 were rejected under 35 USC 102(b) as being anticipated by, or in the alternative, under 35 USC 103(a) as being unpatentable over EP 784 114 issued to **Huth** et al. (Numbered paragraphs 3, 4, and 5 of the Office Action).
  3. Claims 1 and 2 were rejected under 35 USC 103(a) as being unpatentable over Huth. (Numbered paragraphs 4 and 6 of the Office Action).
  4. Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Huth. (Numbered paragraphs 4 and 7 of the Office Action).
  5. Claim 6 was rejected under 35 USC 103(a) as being unpatentable over Huth in view of US 5,459,911 issued to **Iwami** and US 6,122,807 issued to **Beltramini**. (Numbered paragraphs 4 and 8 of the Office Action).

In response to these rejections, objections, and comments, and in view of the above Amendments, Applicant provides the following Remarks:

**1. Rejection of Claim 4 under 35 USC 112, second paragraph**

Claim 4 was rejected under 35 USC 112, second paragraph, because the Examiner was uncertain about the term "side wall". Applicant respectfully submits that the term "side wall" is used and explained throughout the specification. However, for Claim 4, attention is particularly directed to page 6, lines 25-27, and page 7, lines 6-10, of the specification. Using these references to the term "side wall" with the Figures 6 and 8 that these references refer to, the term "side wall" is clearly described as the outside walls of the pile fibers from the base to the ends (e.g., 441) of the pile fibers. Therefore, Applicant respectfully submits that the term "side wall" is a clear term, and that the claim satisfies the requirement under 35 USC 112, second paragraph.

**2. Rejection of Claims 3 and 4 under 35 USC 102(b), or in the alternative under 35 USC 103(a)**

Claims 3 and 4 were rejected under 35 USC 102(b) as being anticipated by, or in the alternative, under 35 USC 103(a) as being unpatentable over Huth. In the Office Action, it was noted that Huth discloses an emery apparatus comprising bristles coated with and abrasive material for abrasively treating a pile fabric. It was asserted that it was reasonable to presume that the invention of Huth would *inherently* (i.e., always) produce a pile fabric such as presently claimed. It was also asserted that support for this presumption could be found in the use of like materials (i.e. pile fabrics, abrasive surface) and like processes (i.e., abrading said pile fabric with said abrasive surface).

However, although the process in Huth involves abrasion, the abrasion is applied to the fabric in quite a different manner than the Applicant utilized in forming the present invention. Huth used abrasive coated bristles to "beat" the fabric. In the method disclosed to make the claimed invention, there is no beating of the fabric as seen in Huth, the pile fibers are passed over a solid abrasive cylinder surface. Also, the disclosed method provided by the Applicants to form the present invention has given specific abrasive roller diameters, abrasive mesh sizes, directional action, tension, etc., that are

not provided by Huth. Furthermore, in the particular method disclosed by the Applicant to product the present invention, a pile fabric with an enlarged end was processed, which Applicant believe facilitates the fibrils extending from the end of the pile fabrics. In contrast, Huth does not disclose the use of pile fabrics with pile fibers having an enlarged end. *not used*

Because of the difference between these two process, there is no rational basis to assume that the present invention will inherently result from Huth. As an example, there is no rational basis to assume that a "beating" action by the bristles in Huth would produce disturbances around the majority of the circumference of the free end pile fibers, as in Claim 3. Also, there is no rational basis to assume that the "beating" process in Huth could produce fibrils on both the side walls and the ends of the pile fibers, as in Claim 4. *to work one*

Because of the difference between the process and equipment used, Applicant respectfully submits that it is not reasonable to assume that the equipment and process in Huth inherently produce the present invention. Applicant respectfully submits that many different effects could result from Huth, such as the napped raising of fiber from a surface, and there is nothing to show that the claimed invention will always (i.e. inherently) result from Huth. Furthermore, Applicant respectfully submits that there is no teaching or suggestion in Huth to produce a pile fabric with the pile fibers having the particular features as in the claimed invention. Therefore, Applicant respectfully submits that the claimed invention is not anticipated by, or obvious in view of, Huth.

**3. Rejection of Claims 1 and 2 under 35 USC 103(a)**

Claims 1 and 2 were rejected under 35 USC 103(a) as being unpatentable over Huth. As noted above, Applicants respectfully submit that there is no rational basis to conclude that the claimed invention inherently results from the process and equipment in Huth. Additionally, there is nothing in Huth to teach or suggest the desirability of specific ranges of surface abrasions in the pile fibers or how to use the process and equipment to obtain such ranges of surface abrasions. Therefore, Applicant respectfully submits that the claimed invention would not have been obvious in view of Huth.

**4. Rejection of Claim 5 under 35 USC 103(a)**

Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Huth. As noted above, Applicants respectfully submit that there is no rational basis to conclude that the claimed invention inherently results from the process and equipment in Huth. Additionally, as stated in the specification, it is believed that the fibrils on the end of the pile fibers contribute to the reduction of the "sticky" feel associated with the prior art fabrics. Therefore, Applicant respectfully submits that it would not have been obvious to add the chemical lubricant to the claimed invention.

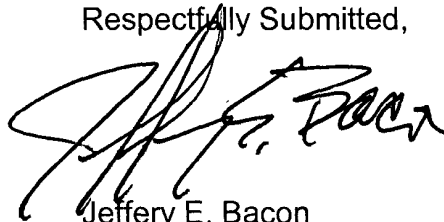
**5. Rejection of Claim 6 under 35 USC 103(a)**

Claim 6 was rejected under 35 USC 103(a) as being unpatentable over Huth in view of Iwami and Beltramini. However, Applicant has cancelled Claim 6, and therefore, respectfully submits that the rejection of Claim 6 has become moot.

Applicant having addressed all of the rejections, objections, and comments in the latest Office Action, respectfully requests reconsideration and allowance of the pending claims in view of the above Amendments and Remarks. Applicant respectfully submits that the amendments submitted herewith do not add new matter to the application. In the event that the Examiner believes that the claims would be allowable with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

In the event that there are additional fees associated with the submission of these papers, Applicant hereby authorizes the Commissioner to withdraw those fees from our Deposit Account No. 04-0500. Also, in the event that additional time is required to have the papers submitted herewith for the above referenced application to be considered timely, Applicant hereby petitions for any additional time required to make these papers timely and authorization is hereby granted to withdraw any additional fees necessary for this additional time from our Deposit Account No. 04-0500.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jeffery E. Bacon", is written over the printed name.

Jeffery E. Bacon  
Reg. No. 35,055

MILLIKEN & COMPANY  
920 Milliken Road, M-495  
Spartanburg, SC 29303  
(864) 503-1160